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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAPHNE P. RAND, by and through
DEBRA L. DOLCH, as Conservator of
the Person and Estate of DAPHNE P.
RAND, Conservatee, on Behalf of
Themselves and All Others Similarly
Situated,

Plaintiff,

v.

AMERICAN NATIONAL
INSURANCE COMPANY, a Texas
corporation,
Defendant.

Case No. CV 09-0639-SI
CLASS ACTION

PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT

JUDGE: Hon. Susan Illston
DATE: September 22, 2011
TIME: 9:00 a.m.
CTRM: 10 – 19th Floor

1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

2 PLEASE TAKE NOTICE that, on September 22, 2011, at 9:00 a.m. in
3 Courtroom 10 of the above-titled Court, the Honorable Susan Illston presiding,
4 located at 450 Golden Gate Avenue, San Francisco, California, Plaintiff will and
5 hereby does move pursuant to Rule 23 of the Federal Rules of Civil Procedure for
6 an order: (1) granting final approval to the Class Action Settlement Agreement
7 filed May 27, 2011 and preliminarily approved by the Court on June 8, 2011; (2)
8 finally certifying the Settlement Class for settlement purposes and appointing
9 Plaintiff as Class Representative and Bonnett, Fairbourn, Friedman & Balint, P.C.;
10 The Evans Law Firm; Robbins, Geller, Rudman & Dowd, LLP; and Barrack Rodos
11 & Bacine as Class Counsel; and (3) finding that the Notice Program has been
12 adequate and reasonable, has met the requirements of Rule 23, and has constituted
13 the best notice practicable under the circumstances.

14 This motion is based on this Notice of Motion and Motion, Plaintiff's
15 Memorandum in Support of Motion for Final Approval of Class Action Settlement,
16 and the Joint Declaration of Andrew S. Friedman and Ingrid M. Evans in Support
17 of Plaintiff's Motion for Final Approval of Class Action Settlement and Exhibits
18 filed concurrently herewith. In addition, Plaintiff bases this motion on the Joint
19 Declaration of Andrew S. Friedman and Ingrid M. Evans in Support of Plaintiff's
20 Memorandum in Support of Motion for an Award of Attorney's Fees,
21 Reimbursement of Expenses, and Service Award, filed August 8, 2011;
22 Declaration of Joseph R. Russo in Support of Defendant's Administrative Motion
23 to File Under Seal a List Reflecting All Requests for Exclusion and Exhibits, filed
24 September 15, 2011; and Declaration of Settlement Administrator Donna Reed,
25 filed September 15, 2011; and upon such other matters as may be presented at the
26 hearing.

1
2 Dated September 19, 2011

Respectfully submitted,

3 BONNETT, FAIRBOURN, FRIEDMAN &
4 BALINT, P.C.

5 /s/ Andrew S. Friedman

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13 /s/ Ingrid M. Evans

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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail notice list, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice list.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 19, 2011.

By: /s/ Nancy Varner